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Message Text

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12
ACTION FBOE-00

INFO OCT-01 NEA-10 ISO-00 L-03 /014 W
---------- 054695
R 180830Z JUL 76
FM AMCONSUL TABRIZ
TO SECSTATE WASHDC 172
INFO AMEMBASSY TEHRAN

UNCLAS TABRIZ 0032

E.O. 11652: NA
TAGS: ABLD, IR
SUBJ: SALE OF TABRIZ POINT FOUR COMPOUND

SUMMARY: LEGAL FEE DISCUSSED WITH WELL KNOWN LOCAL LAWYER PER 6 FAM 774.1G. PRELIMINARY LEGAL ANALYSIS INDICATES THAT SALE PROCESS WILL BE BOTH EXPENSIVE AND LENGTHY. END SUMMARY

1. MAIN PROBLEM IN SELLING OFF POINT FOUR COMPOUND IS THAT IT AND CONSULATE COMPOUND FORM ONE PARCEL LEGALLY. IN US A SELLOR CAN CARVE UP HIS LAND ANYWAY HE WANTS, AND PRIVATE PARTIES LEGALLY DEFINE THE NEW PARCEL THEMSELVES. REGISTRATION IS REQUIRED, NOT TO MAKE TRANSACTION LEGAL BUT TO GIVE THIRD PARTIES NOTICE IN CASE SELLER TRIES TO SELL SAME LAND AGAIN. IN IRAN, BY CONTRAST, THE REGISTRATION IS THE REALITY. WITHOUT OFFICIAL STAMP OF APPROVAL, LAND REMAINS LEGALLY IN ONE PIECE. A SELLER WHO TRIES TO CONVEY PARTO OF A PARCEL WITHOUT RE-REGISTRATION RISKS HAVING A COURT FIND THAT HE HAS TRANSFERRED AN UNDIVIDED INTEREST IN THE WHOLE PROPERTY AND NOT A SEPARATE PARCEL OF LAND.

2. REGISTRATION IS NEITHER EASY NOR AUTOMATIC. IT IS INCREASINGLY A TOOL TO ENFORCE ZONING AND LAND USE PLANNING. SITUATION HAS BECOME CONFUSED SINCE THE CENTRAL GOVERNMENT DECIDED TO SUPERVISE PROVINCIAL PLANNING. AT PRESENT IT IS VERY DIFFICULT TO GET APPROVAL TO DIVIDE ANY LAND IN TABRIZ.

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3. NEVRTHELESS, REGISTRATION IS VITAL IF WE ARE

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TO TRANSFER A CLEAR TITLE AND STILL RETAIN A CLEAR
TITLE TO THE REMAINING AREA. USG WILL HAVE TO MOVE
TO OFFICIALLY SEPARATE POINT FOUR PARCEL FROM CONSULATE
COMPOUND BEFORE SALE. ALTHOUGH IT IS LEGALLY POSSIBLE
TO TRANSFER REGISTRATION COSTS TO BUYER, IT IS NOT ADVISABLE.
FIRST, USG WOULD OBTAIN A LESSER PRICE BECAUSE OF
UNCERTAINTY ABOUT WHEN A BUYER COULD GET CLEAR TITLE.
SECONE, THE TRANSACTION COULD REMAIN IN LIMBO
INDEFINITELY, VULNERABLE TO LEGAL ENTANGLEMENT.

4. MR. IPAKCHIAN, A LOCAL LAWYER WELL KNOWN TO TABRIZ
CONSULATE, ESTIMATES FEE FOR SEPARATING POINT FOUR
COMPOUNT AT $3,000 AND EXPENSES AT $1,500. BUT HE
CAUTIONS THAT IT IS ALMOST IMPOSSIBLE TO PREDICT
HOW MUCH TIME WILL BE REQUIRED. HE HAS DONE WORK FOR
AMCITS AND HAS IMPRESSED US AS CONSCIENTIOUS AND
FAIR ABOUT FEES. IN ADDITION HE IS ESTABLISHED
AND KNOWS GOVERNMENT OFFICIALS HE WILL HAVE TO
DEAL WITH.

5. ACTION REQUESTED: THAT FBO ALLOCATE $4,500 FOR
COSTS OF RE-REGISTRATION AND SEPARATION OF LAND AND
THAT CONSULATE BE AUTHORIZED TO BEGIN THIS WORK.
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